REMARKS

Applicant adds new claims 6-12; therefore, claims 1-12 are all the claims pending in the application.

Applicant has added new dependent claim 6 more fully to describe the features of Applicant's invention. Also, Applicant has added new method claims 7-12, which parallel claims 1-6.

The Examiner rejects claims 1-5 under 35 U.S.C. § 102(e) as being anticipated by Shimakawa et al. (Shimakawa). Applicant respectfully traverses this rejection as follows.

Applicant's invention as claimed in independent claim 1 provides a broadcast receiver comprising a unique combination of features including, *inter alia*, a signal analyzing part for analyzing a received signal and determining a signal processing mode, a station selection controlling part for generating a station selection command using the result from the signal analyzing part, and a reception status detecting part for interrupting, while receiving one broadcast station, the reception of the one broadcast station and receiving other broadcast stations based on the station selection command.

Shimakawa does not disclose or suggest such a unique combination of features.

Shimakawa discloses a method of controlling reception in a data broadcasting receiver "which can automatically minimize the ON time of the receiver for receiving the program" (see Id., col. 2, lines 11- 62). The Examiner alleges that Shimakawa discloses a broadcast receiver comprising the claimed elements, including the reception status detecting part detecting a reception status of radio waves from other stations. In this regard, the Examiner takes the

position that "[Shimakawa] inherently suggests [that] the broadcasting receiver is receiving services from a plurality of broadcast stations since broadcast station ID is used" (see Office Action, page 3).

Applicant respectfully submits that the Examiner's "inherency" argument is without merit. Shimakawa's disclosure at col. 3, lines 37-50 (cited by the Examiner) is reproduced below (for reference) in its entirety.

> The reception control information data 21 comprises, for example, a program number 22 (e.g., 16 bits), a service number 23 (e.g., 8 bits), a broadcasting station identification 24 (e.g., 12 bits), a broadcasting channel 25 (e.g., 10 bits), a transmission time 26 (e.g., 24 bits), and a retransmission time 27 (e.g., 16 bits) for each program. The transmission time data 26 indicates the time at which the program is broadcast and the retransmission time data 27 indicates the time at which the program, whose content is the same with that of the former program, is retransmitted. A multiplicity of retransmission times, e.g., the specification of retransmission time 1, retransmission time 2, etc., is possible. It is to be noted that the reception control information data for one program may be included in one data packet (DAT). (Id.)

Nowhere does Shimakawa disclose or even remotely suggest that a receiver, which receives reception control information data 21 from a particular station (whose identification 24 is included in data 21), somehow detects the reception status of radio waves from <u>other</u> stations. Not only does the Examiner's "inherency" argument lack support in the prior art, it is contrary to well established legal principles. *See Tyler Refrigeration v. Kysor Industrial Corp.*, 777 F.2d 687, 689 (Fed. Cir. 1985) ("A feature is inherent if it **<u>naturally occurs</u>** under the conditions set forth in the reference, even though the reference does not expressly mention the feature", emphasis added); *see also Ex parte Levy,* 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Int.) ("In relying upon theory of inherency, the examiner must provide a basis in fact and/or technical

reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art", original emphasis); *see also In re Rijckaert*, 9 F.3d 1531, 1534 (Fed. Cir. 1993) (The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic); *see also* MPEP §2112 at 2100-40.

Furthermore, nowhere does Shimakawa disclose, or even remotely suggest, the feature of interrupting, while receiving one broadcast station, the reception of the one broadcast station and receiving other broadcast stations, as recited in Applicant's claim 1. The Examiner does not even attempt to explain how such a features is disclosed in, or may be suggested by, Shimakawa.

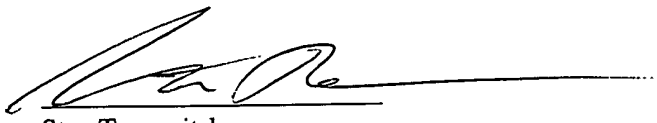
Therefore, Applicant's independent claim 1, as well as its dependent claims 2-4 (which incorporate all the novel and unobvious features of their base claim 1), are not anticipated by Shimakawa at least for these reasons.

Likewise, new dependent claim 6, as well as new claims 7-12, are patentably distinct form the prior art or record at least for the reasons set forth above.

Accordingly, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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